

## Understanding the Recent Amendments to the Regulation

Recently the provincial cabinet approved many amendments to the Regulation under the Veterinarians Act. These amendments have been approved by Council at meetings held in 2001, 2002 and 2003. The full text of the regulation is available through the CVO Website at [www.cvo.org](http://www.cvo.org) under About CVO - CVO Legislation. Members should contact the CVO Office if there are any questions about interpretation or effect of any of these amendments.

The amendments cover many different topics that had been saved up over the years. The goals of the amendments include the following:

- To promote inter-provincial mobility of veterinarians
- To make registration requirements more consistent
- To implement the first fee increase in 12 years
- To facilitate remote area companion animal mobiles
- To clarify confidentiality obligations towards clients
- To modernize the rules for the transfer or disposal of animals and animal parts
- To set specific rules for ketamine and targeted drugs
- To update the drug regulations
- To permit the dispensing or administration of drugs when the primary veterinarian is not readily available in limited circumstances
- To permit T-61 to be used in humane situations and
- To modernize the conflict of interest rules

A more detailed description of the more significant changes is set out below.

### **Licensure (Sections 5(3), 7(1) and the Schedule to the Regulation)**

There are three amendments to the regulation regarding requirements for licensure. The first is the inclusion of reference to the Agreement on Mobility of Veterinarians within Canada. This will make it easier for veterinarians who currently have a general licence in another province to become licensed in Ontario. This brings Ontario in compliance with the Agreement on Internal Trade in respect of veterinary services.

The requirements for the public service license have been amended to include a requirement for successful completion of the North American Veterinary Licensing Exam (NAVLE) for graduates of accredited veterinary schools, and requirements for the

NAVLE and the clinical proficiency examination for graduates of acceptable unaccredited veterinary schools. This change will help standardize the registration requirements for all veterinarians with long-term licences in Ontario.

The new regulation includes changes to the licensure fees. Membership fees for a general, restricted, academic, post-graduate and residence or public service licence have increased to \$675.00 per year. The prorated fees have been adjusted accordingly. The membership fee for a short term license is now \$250.00, education license is \$125.00 for 6 months. This amended regulation reflects the first licensure fee increase by the CVO in 12 years and was determined by the Council of the College to be necessary based on 5-year projections for the financial future for the College. The increase results from several factors including inflationary increases over the past 12 years, some years of high costs associated with disciplinary proceedings and the addition of new member services including the Professional Enhancement Program, the Professionals Health Program and Incorporation.

### **Remote Area Companion Animal Mobile (Section 11, 13, 14(1) and the Schedule to the Regulation)**

This regulation establishes a new category of accreditation, the remote area companion animal mobile. Council will establish minimum standards for this category which is meant to allow for more flexibility for a companion animal mobile to provide service to remote areas of the province. The inspection fee is \$60.

### **Confidentiality (Section 17(1) 6)**

The confidentiality regulation has been amended to include an express reference to keeping client information confidential. Most veterinarians understood this to be a professional obligation and the duty was certainly reinforced by the advent of privacy legislation. However, the College wanted to make this an explicit requirement for greater clarity. Therefore, it is professional misconduct to “reveal information about a client”, except under the specific situations described by the regulation. Previously this regulation referred to “an animal” only.

### **Laboratory Tests (Section 17(1) 7.1)**

This change to the regulation makes it professional misconduct to recommend, refer, order or requisition, laboratory tests, technical procedures or professional services that are not reasonably useful or needed. This amendment is part of a package of reforms to the conflict of interest rules permitting greater flexibility in referring clients to facilities in which the member has an interest (see discussion below).

### **Disposal of Animals and Wastes (Section 17(1) 21 and 22 and 22.1)**

The professional conduct rules have been amended to eliminate the reference to the civil law aspects of disposing of animals, whether deceased or alive. The reference is only to “accepted veterinary standards and practice”.

An addition to the professional conduct rules ensure that members will comply with the Environmental Protection Act or with accepted veterinary standards of practice when disposing of biological, pathological or hazardous wastes.

### **Abandoned Animals (Subsection 17(1.1))**

This amended regulation allows, from the College's perspective, for veterinarians to deal with a live animal that has not been claimed by the client within 10 days of the completion of an in-hospital treatment or convalescence or an auxiliary service, by transferring the animal to an animal shelter or a third party. This regulation can only be utilized if the client has agreed to the transfer in writing, (which requires that this is included in the consent signed by the owner), that the member has attempted to contact the client at least 5 times by at least 2 different methods, such as telephone and mail, and has documented the attempts, and the member has attempted to contact any emergency contact person identified by the client.

This will allow for a fair, reasonable and humane method for dealing with abandoned animals where the client's prior consent has been obtained.

### **Ketamine and Targeted Drugs (Sections 23-33)**

The regulation has been amended so that there is a requirement for tighter controls of ketamine and targeted drugs in the veterinary practice. Members are now required to keep as part of their record of purchase for ketamine and targeted drugs, the signature of the member who made the purchase. As well, members must take steps to ensure that ketamine, as well as controlled substances and targeted drugs are protected from loss and theft, and that any loss or theft is reported immediately to a Police Officer and the Minister of Health, Canada, within 10 days of discovering the loss or theft. Members are also required to ensure that any person other than another member or an auxiliary acting upon specific direction of a member, to dispense or have access to ketamine, as well as controlled drugs and targeted drugs. As well, these drugs must now be kept in a locked cabinet designed and constructed to ensure the reasonable safety of drugs.

### **Drugs (Sections 23(1) and (2), 27(4), 28, 29, 30, 33)**

Much of the terminology in the amended regulation updates the reference to controlled and narcotic substances in compliance with new legislation.

### **Providing Drugs to Clients on Behalf of Another Veterinarian (Sections 26 and 33)**

The regulation has been amended to allow veterinarians to dispense a drug, (not including controlled substances, ketamine or a targeted drug), pursuant to an oral or written prescription from another veterinarian.

However, this only applies under very specific situations where the primary veterinarian is not readily available, such as where the animal is out of town (e.g., at the family cottage or on a family holiday) and medication has run out. It must not be reasonably possible for the client to obtain the drug from a prescribing member or a pharmacy.

It must be necessary, in the interests of the animal, to administer or dispense the drug without the delay that would be associated with returning to the prescribing member. The member must make a reasonable effort to discuss the matter with the prescribing member, the member must conduct a sufficient assessment of the animal's circumstances, which may not require a physical examination in every case, to ascertain that it is unlikely that there has been a material change in the circumstances since the prescription was given by the original veterinarian. As well, the quantity of the drug dispensed can be no more than would reasonably enable the client to return to the prescribing member for future prescriptions or quantities of drugs. The dispensing member is required to make a written record of the transaction.

This will allow veterinarians, who are approached by non-clients, to assist them in these very specific circumstances where the primary veterinarian is not readily available.

### **T-61 (Section 33(f))**

Previously the regulation did not allow for animals, other than dogs and cats, to be administered T-61 that has been provided by a veterinarian to a pound or research facility. The amendment now allows for its administration to wildlife. As well the T-61 can be dispensed not only to people operating a pound or research facility under the Animals for Research Act, but also to those who are employed by the Ontario Society for the Prevention of Cruelty to Animals or an affiliate of the society, or someone acting as a wildlife custodian within the meaning of Section 44, The Fish and Wildlife Conservation Act, 1977.

### **Conflict of Interest (Sections 42 and 43)**

A number of changes have been made to the conflict of interest rules to permit greater flexibility of business arrangements where appropriate safeguards are in place. These changes will assist both in rural areas (where increasing available options can benefit clients) and urban areas (where complex inter-relationships between different facilities require a more principled approach to the rules). However, with the greater flexibility comes the need for safeguards such as greater disclosure to clients of the arrangements.

*Income Sharing with Associates or Employees:* The conflict of interest provisions have been more flexible to permit arrangements with associates and employees as well as partners. This will ensure that similar conflict of interest rules apply regardless of the business relationship between the veterinarians.

The regulation has also been amended to be more flexible in the referring of animals or specimens in some situations where the referring veterinarian or a related person might receive some benefit.

*Referrals to Partners, Associates, Employers or Employees:* A member will not be prevented from referring or transferring an animal or a specimen to another veterinarian who is a partner, associate, employer or employee of the member, if the animal is seen or the specimen is examined in the same facility by both veterinarians, or the member provides a written explanation to the client of the member's relationship to the other veterinarian, if the animal is seen or examined in a different facility.

*Referrals to Corporations or Other Business Entities:* The regulation also does not prevent a member from referring or transferring any animal or a specimen to a corporation or other business entity from which the member receives a benefit, by reason only that the member or a related person has an interest in the corporation or other business entity, if:

- The member provides a written explanation to the client of the member's or related person's interest in the corporation or other business entity;
- The member provides written notice to the client, but if the client chooses another service provider the client's choice will not affect the client's ability to obtain services from the member, unless the choice would result in the care provided to the animal being unco-ordinated;
- In case of laboratory testing or radiological or other technical procedures, the member provides a written explanation to the client that the member is professionally responsible for the quality of the testing or technical procedures performed for the animal; and
- Upon request, the member provides to the College, documents demonstrating that the member has complied with the above requirements.

The impact of this change will be an increased requirement for disclosure on the part of the veterinarian and consent on the part of the client when referring animals to another clinic (including an emergency clinic), to another facility, or to a corporation in which one has an interest.

**Conflict of Interest: Veterinarians Working at Universities or Colleges (Section 43)**

This regulation has been amended from its previous wording which referred only to the Ontario Veterinary College at the University of Guelph. It now permits a veterinarian to an employee of a public, non-profit university or college. The assumption is that such institutions will share similar public interest values with the veterinary profession that they will strongly support the ethical and high quality of care expected of veterinarians.